HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.24789 OF 2007

DATE: 24.12.2007

Between:
Oragnati Gangarajam

..... PETITIONER

AND

The Government of Andhra Pradesh,
Rep. By its Principal Secretary
To Home Department, Secretariat
Buildings, Hyderabad & 3 others.

.....RESPONDENTS

HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
HON'BLE SRI JUSTICE G. BHAVANI PRASAD

WRIT PETITION No.24789 OF 2007

ORDER: (Per Hon'ble Sri Justice A.Gopal Reddy)

The petitioner filed this writ petition under Article 227 of Constitution of India for issuance of a writ of habeas corpus alleging that his wife Smt. Oraganti Balavva and his mother-in-law Nyavanandi Rajavva have been illegally detained by the fourth respondent from 20.11.2007 without producing them before the Magistrate concerned.

Sub-Inspector of Police, Velpoor Police Station, Nizamabad District, the fourth respondent herein filed a counter stating that on the

complaint lodged by one Nyavanandi Vasantha, who is none other than daughter-in-law of alleged detenu No.2 and sister-in-law of alleged detenu No.1, on 21.11.2007, a case in Crime No.72 of 2007 has been registered for the offences under Sections 323, 506 and 109 IPC of Velpuru Police Station. In connection with the said crime, the alleged detenus were arrested on 21.11.2007 and produced before the Judicial First Class Magistrate, Armoor. On such production, the learned Magistrate enlarged them on bail on the same day.

In fact, the writ petition itself was filed on 21.11.2007 after 10.30 hours, and the Crime No.72 of 2007 was registered on the same day at 8.00 a.m. In view of the same, the submission of the learned counsel for the petitioner that on the information passed on by the Advocate General, the above crime was registered, cannot be accepted.

The writ petition is accordingly dismissed. However, if the alleged detenus were illegally detained by the police from 20.11.2007 without registering any crime, as alleged in the writ petition, liberty is granted to the alleged detenus to initiate proceedings against the officials responsible for their illegal detention, before the appropriate forum. No costs.

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A. GOPAL REDDY, J.

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24th DECEMBER, 2007 G. BHAVANI

PRASAD, J.

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